

REMARKS

This responds to the Office Action mailed on July 9, 2008.

Claims 1, 8, 15, and 21 are amended; claims 3, 16, and 23 were previously canceled, without prejudice to the Applicant; as a result, claims 1-2, 4-15, 17-22, and 24-26 are now pending in this application.

Example support for the amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification page 11 lines 18-30.

§103 Rejection of the Claims

Claims 1, 2, 4-15, 17-22 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over ("Netscape Proxy Server Administrator's Guide Version 3.5 for Unix Administrator's Guide", <http://developer.netscape.com/docs/manuals/proxy/adminux//contents.htm>, (1997)) in view of Davis (U.S. 2002/0199098). It is of course fundamental that in order to sustain an obviousness rejection each and every element in the rejected claims must be taught or suggested in the proposed combination of references.

Applicant respectfully assets that the Davis reference teaches away from the proposed invention and therefore is an improper reference to be included in an obviousness rejection. Specifically, Davis teaches that communication between the proxy and the server is not encrypted. The proxy decrypts the communication received from the client and then communicates directly with the server via non-encrypted communications. The Examiner's attention is directed to Davis paragraph 6, where Davis discusses that the problem with SSL communications is the need for the receiving server to spend resources decrypting communications. The Examiner's attention is also directed to Davis Abstract and Davis FIG. 2 reference numeral 212, and Davis paragraphs 14, 18, 20, 23, and 25-27.

Any communication that is not SSL or encrypted is directed forwarded to the server from the client. However, all communication that is encrypted is in fact decrypted at the proxy before

it is sent along to the server. Davis's very purpose is directed to decrypting the communications at the proxy to alleviate processing that is necessary at the server.

Applicant has amended the independent claims to now make clear that the secure communications that occur between the local domain accelerator and the external domain are encrypted. Clearly, Davis is specifically based on non-encrypted communications between the proxy and the server. This is in fact the very purpose of Davis.

Additionally, even though the laws with respect to obviousness have been relaxed, the requirement that a reference not teach away from an invention remains. That is, Davis specifically teaches away from Applicant's invention.

Thus, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record is relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Serial Number: 10/814,983

Filing Date: March 31, 2004

Title: TECHNIQUES FOR SECURELY ACCELERATING EXTERNAL DOMAINS LOCALLY

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Dkt: 1565.069US1

CONCLUSION

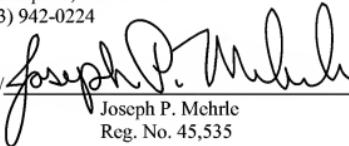
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

By /



Joseph P. Mehrle
Reg. No. 45,535